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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGORY DANAHER,

Plaintiff,

vs.

FIRSTSOURCE ADVANTAGE, LLC,

Defendant.

Case no. 2:13-cv-00128-APG-PAL

**DEFENDANT FIRSTSOURCE ADVANTAGE,
LLC'S OPPOSITION TO PLAINTIFF
GREGORY DANAHER'S MOTION TO
RECONSIDER**

Defendant Firstsource Advantage, LLC hereby submits its Opposition to Gregory Danaher's Motion to Reconsider¹ this Court's denial² of his Motion Requesting an Extension of Time³.

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¹ Docket no. 25.

² Docket no. 23.

³ Docket no. 19.

OPPOSITION TO MOTION TO RECONSIDER

1. “[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.”⁴ Plaintiff has not demonstrated any of the criteria that that would justify a motion to reconsider. Plaintiff does not present any facts or arguments that were not previously submitted to the Court or even indicate why the Court’s ruling was supposedly in error. Nor does Plaintiff “specify the discovery that has been completed, specifically describe the discovery that remains to be completed, or provide an adequate explanation for why discovery cannot be completed within the time limits set by the existing discovery plan and scheduling order”—the very basis for the Court’s prior ruling.⁵ Plaintiff’s motion to reconsider should be denied on this basis alone.

2. Plaintiff’s proposed scheduling order is not workable. Plaintiff proposes that the last day to amend the pleadings be continued to October 3, 2013 but proposes a discovery cut off of September 3, 2013. This would effectively preclude any discovery on Plaintiff’s amended claims. Plaintiff also proposed that expert disclosures be continued from July 3rd to November 3rd—after both the motion and discovery cut-off. As a practical matter, plaintiff’s proposed changes would require a trial continuance of about 4-6 months in order to complete fact discovery on plaintiff’s amended claims, expert discovery, and dispositive motions.

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⁴ 389 *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999) citing *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)

⁵ Order dated June 26, 2013 (Docket no. 23), pp. 2-3.

1 This Court properly denied Plaintiff's Motion for Extension of Time and Plaintiff's
2 Motion to Reconsider should be denied.

3 Dated this 17th day of July, 2013.

4 COOPER LEVENSON APRIL
5 NIEDELMAN & WAGENHEIM, P.A.

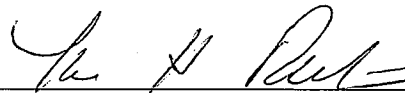
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7 By: /s/ Gregory A. Kraemer
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A. and that on this 17th day of July 2013, I did cause a true copy of the foregoing **DEFENDANT FIRSTSOURCE ADVANTAGE, LLC'S OPPOSITION TO PLAINTIFF GREGORY DANHER'S MOTION TO RECONSIDER** to be placed in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

Gregory Danaher
7901 Quill Gordon Avenue
Las Vegas, NV 89149
Plaintiff in Proper Person

By



An Employee of
COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM, P.A.